

TITLE 25. HEALTH
DISEASE CONTROL
ARTICLE 4.DISEASE CONTROL
PART 16. FOOD PROTECTION ACT

C.R.S. 25-4-1614 (2015)

25-4-1614. Home kitchens - exemption - food inspection - short title - definitions – rules

(1) This section shall be known and may be cited as the "Colorado Cottage Foods Act".

(2) (a) A producer may use his or her home kitchen or a commercial, private, or public kitchen to produce foods for sale only if the producer sells the foods directly to ultimate consumers.

(b) (I) A producer is permitted under this section to sell only a limited range of foods that have been produced, processed, or packaged that are nonpotentially hazardous and do not require refrigeration. These foods are divided into two tiers:

(A) Tier one foods are limited to spices, teas, dehydrated produce, nuts, seeds, honey, jams, jellies, preserves, fruit butter, flour, and baked goods, including candies, fruit empanadas, and tortillas; and

(B) Tier two foods are limited to pickled vegetables that have an equilibrium pH value of 4.6 or lower.

(II) A person may sell whole eggs under this section; except that a person may not sell more than two hundred fifty dozen whole eggs per month under this section. A person selling whole eggs must meet the requirements of [section 35-21-105, C.R.S.](#)

(c) A producer must take a food safety course that includes basic food handling training and is comparable to, or is a course given by, the Colorado state university extension service or a state, county, or district public health agency, and must maintain a status of good standing in accordance with the course requirements, including attending any additional classes if necessary.

(d) The foods produced under this section must be sold only:

(I) Directly to ultimate consumers and not to grocery stores or restaurants; and

(II) On the producer's premises, at the producer's roadside stand, or at a farmers' market, community-supported agriculture organization, or similar venue where the product is sold directly to consumers.

(e) This section applies only to producers who earn net revenues of ten thousand dollars or less per calendar year from the sale of each eligible food product produced in the producer's home kitchen or a commercial, private, or public kitchen.

(3) (a) A food product sold under this section must have an affixed label that includes at least:

(I) Identification of the product;

(II) The producer's name, the address at which the food was prepared, and the producer's current telephone number or electronic mail address;

(III) The date on which the food was produced;

- (IV) A complete list of ingredients; and
- (V) The following disclaimer: "This product was produced in a home kitchen that is not subject to state licensure or inspection and that may also process common food allergens such as tree nuts, peanuts, eggs, soy, wheat, milk, fish, and crustacean shellfish. This product is not intended for resale."
- (b) A food product sold under this section and not labeled in accordance with paragraph (a) of this subsection (3) is misbranded and is subject to food sampling and inspection pursuant to subsection (4) of this section.
- (c) A producer operating under this section shall conspicuously display a placard, sign, or card at the point of sale with the following disclaimer: "This product was produced in a home kitchen that is not subject to state licensure or inspection. This product is not intended for resale."
- (4) A food product produced pursuant to this section is subject to food sampling and inspection by the department or a county, district, or regional health agency pursuant to [section 25-5-406](#) if it is determined that the food product is misbranded pursuant to subsection (3) of this section or if a consumer complaint has been received or if the product is suspected in an injury or food-borne illness outbreak.
- (5) A person who purchases a product made by a producer shall not resell the product.
- (6) A person who sells foods pursuant to this act is encouraged to maintain home bakery liability insurance or other adequate liability insurance.
- (7) [Sections 25-4-1604](#) to [25-4-1613](#) do not apply to this section.
- (8) The department or a county, district, or regional health agency may create a voluntary electronic registry of producers if it determines that a registry would be of value to producers and consumers.
- (9) As used in this section:
- (a) "Home" means a primary residence occupied by the producer producing the food under this section.
- (b) "Nonpotentially hazardous" has the meaning set forth in [section 25-4-1602 \(12\)](#).
- (c) "Producer" means a person who prepares nonpotentially hazardous foods in a home kitchen or similar venue for sale directly to consumers pursuant to this section. A producer may only be:
- (I) An individual who is a resident of Colorado; or
- (II) A limited liability company formed in Colorado, consisting of two or fewer members, and of which all members are residents of Colorado.
- (10) The state board of health shall promulgate rules, including enforcement provisions, necessary to provide for the production and sale of tier two foods.

HISTORY: Source: L. 2012: Entire section added, ([SB 12-048](#)), ch. 16, p. 42, § 5, effective March 15. L. 2013: (2)(b), (2)(c), and (3)(a)(II) amended, ([HB 13-1158](#)), ch. 100, p. 319, § 3, effective April 4. L. 2015: (2)(b)(I) and (9)(b) amended and (3)(c) and (10) added, ([HB 15-1102](#)), ch. 313, p. 1277, § 1, effective August 5; (2)(e) and (9)(c) amended, ([SB 15-085](#)), ch. 150, p. 452, § 1, effective August 5.